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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/743,209	12/22/2003	Mike Voigt	2856	4531

7590 04/20/2005  
STRIKER, STRIKER & STENBY  
103 East Neck Road  
Huntington, NY 11743

EXAMINER

LAM, THANH

ART UNIT PAPER NUMBER

2834

DATE MAILED: 04/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Ed

<b>Office Action Summary</b>	Application No. 10/743,209	Applicant(s) VOIGT ET AL.	
	Examiner Thanh Lam	Art Unit 2834	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19 is/are pending in the application.  
     4a) Of the above claim(s) 4-7, 9, 10 and 12-18 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8, 11 and 19 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
     a) ☒ All    b) ☐ Some \*    c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____.  |

**DETAILED ACTION**

***Election/Restrictions***

1. Applicant's election without traverse of Species A, fig. 1, claims 1-3,8,19 in the reply filed on 3/25/2005 is acknowledged.

Regarding claim 11 is readable on the elected Species, therefore, the claim 11 is prosecuted with above claims.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-3,8,11, and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Atkin (US 2,546,846).

Regarding claim 1, Atkin discloses an electric hand tool comprising a machine housing (10), with an electric motor (13) accommodated in the machine housing for driving a tool (16), and a fan wheel (40) accommodated in the machine housing for generating a cooling air current that flows through the machine housing, which said fan wheel creates a suction space (cavity within the motor) and a pressure space (41) on opposite sides when it rotates, wherein means for generating an additional air current are provided and configured such that the additional air current (see arrow of the dust 42) flows onto at least one machine component that is located outside of or in a low-flow region of the cooling air current.

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Regarding claim 2, Atkin discloses the electric motor includes a motor winding (26) with winding heads (the end winding) that project outward on at least one end face of the electric motor, the fan wheel is located with axial clearance in front of the end face of the electric motor and is configured such that the suction space is located in front of the end face of the electric motor where the winding heads are located, and the means for generating the additional air current have air inlets that lead into the suction space (42).

Regarding claim 3, Atkin discloses the air inlets are air inlet openings that are configured in the wall of the machine housing on or near the end face of the electric motor.

Regarding claim 8, Atkin discloses the electric motor has a motor winding with winding heads that project outward on at least one end face of the electric motor, and the means for generating the additional air current has openings in the wall of the machine housing that are located in the region of the end face of the electric motor on which the winding heads are carried.


Regarding claim 11, Atkin discloses the means for generating the additional air current have at least one air duct guided in the machine housing , and one end of the duct is located in the cooling air stream, and the other end of the duct is located at or near the machine component .

Regarding claim 19, Atkin discloses the machine component is an on/off switch (25) for the electric motor.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thanh Lam whose telephone number is (571) 272-2026. The examiner can normally be reached on t-f 9-7.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Darren E. Schuberg can be reached on (571) 272-2044. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Thanh Lam  
Primary Examiner  
Art Unit 2834

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